

Chief Magistrate Judge Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN THE MATTER OF THE EXTRADITION
OF RODERICK MUCHIKEKWANAPE

CASE NO. MJ20-800

a/k/a

MOTION TO SEAL COMPLAINT,
SUPPORTING PAPERWORK, AND
ARREST WARRANT

“MUCHIKEKWANAPE, Roderick, Rodney”
“MUCH, Roderick Toot”
“GAMBLER, Thomas Robert”
“STARKES, Paul Edward”

1. The United States of America, by its attorney, Andrew C. Friedman, Assistant United States Attorney for the Western District of Washington, hereby moves the Court to place under seal until further order of the Court, the Complaint, and any supporting documents and docket entries, and the Arrest Warrant in the above-captioned case, as well as the Government’s Motion to Seal and this Court’s Order sealing the aforesaid documents. In support of its motion, the government states as follows:

2. The sealing of a case is appropriate where there exists an extraordinary situation and a compelling government interest, see Washington Post v. Robinson, 935 F.2d 282, 289 (D.C. Cir. 1991), such as, taking a defendant into custody, see United States v. Michael, 180 F.2d 55, 57 (3d Cir. 1949); see also United States v. Sharpe, 995 F.2d 49 (5th Cir. 1993); United States v. Southland Corp., 760 F.2d 1366, 1379-80 (2d Cir. 1985); United States v. Lyles, 593 F.2d 182 (2d Cir. 1979) (a charging document

1 may be sealed for any legitimate prosecutorial reason, including to take the defendant
2 into custody and bring him or her before the court), or protecting an ongoing criminal
3 investigation. See generally Globe Newspaper v. Superior Court, 457 U.S. 596, 606-07
4 (1982); Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 510 (1985).

5 3. In this matter, the United States is seeking extradition on behalf of the
6 Government of Canada. The government is concerned that public disclosure of the
7 complaint and related materials at this time could jeopardize plans to secure the fugitive's
8 arrest, because such disclosure could result in his being alerted to his criminal liability,
9 and cause him to take measures to flee or avoid capture. The government has thus
10 articulated an appropriate basis for an Order sealing the complaint, any supporting
11 documents and docket entries, the Arrest Warrant, this Motion, and any Order to Seal.

12 4. The United States requests that the sealing Order permit disclosure of the
13 complaint, any supporting documents and docket entries, and the Arrest Warrant, to
14 appropriate law enforcement and other personnel, both in the United States and
15 internationally, to the extent that such disclosure is in furtherance of efforts to capture or
16 detain the fugitive.

17 5. WHEREFORE, for all the foregoing reasons, the United States of America
18 respectfully requests that the Court issue an Order sealing (except to the limited extent
19 specified herein) the complaint filed in this matter on this date, as well as sealing any
20 supporting documents and docket entries, the Arrest Warrant, this Motion, and the

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1 Court's sealing Order, until further order of this Court or another Court. A proposed
2 Order is submitted herewith.

3 DATED this 14th of December, 2020.
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5 Respectfully Submitted,
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7 BRIAN T. MORAN
8 United States Attorney
9

10 /s/ Andrew C. Friedman
11 ANDREW C. FRIEDMAN
12 Assistant United States Attorney
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